

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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UNITED STATES OF AMERICA,

Case No. 2:10-CR-489 JCM (RJJ)

Plaintiff(s),

ORDER

v.

MATTHEW SCHUM, et al.,

Defendant(s).

Presently before the court is Matthew Schum's motion to correct his sentence and order his release from custody, filed *pro se*. (ECF No. 133).

Local rule IA 11-6 provides that "[u]nless the court orders otherwise, a party who has appeared by attorney cannot while so represented appear or act in the case. This means that once an attorney makes an appearance on behalf of a party, that party may not personally file a document with the court; *all filings must thereafter be made by the attorney*." (emphasis added). Local rule IC 7-1 further provides that "[t]he court may strike documents that do not comply with these rules."

Federal Public Defender Andrew Wong appeared as an attorney for Mr. Schum on January 6, 2020 (ECF No. 128). Mr. Wong has not withdrawn or been terminated from the case. Thus, Mr. Schum's motion was improperly submitted *pro se* after the appearance of an attorney on his behalf. (See ECF No. 133). If Mr. Schum wishes to move this court for further action in this case *in propria persona*, he must file a motion to request withdrawal of his appointed counsel and request to proceed *pro se*. Otherwise, Mr. Schum may file documents with the court only through the attorney who has appeared on his behalf pursuant to LR IA 11-6.

1 Further, Mr. Schum is advised that any motions deficiently filed with the court without  
2 points and authorities in support of the motion—as done here (*See* ECF No. 133)—constitutes a  
3 consent to a denial of the motion. (*See* LCR 47-3).

4 Accordingly,

5 IT IS HEREBY ORDERED, ADJUDGED, and DECREED that Mr. Schum’s motion to  
6 correct his sentence and order his release from custody (ECF No. 133) be, and the same hereby is,  
7 DENIED, without prejudice, and STRICKEN and held for naught.

8 The court shall strike ECF No. 133 from the docket.

9 DATED January 31, 2022.

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11 UNITED STATES DISTRICT JUDGE  
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